

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 408

Introduced by Assembly Member Bonta

February 15, 2013

An act to add Section 11852.5 to the Public Utilities Code, relating to municipal utility districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 408, as amended, Bonta. Municipal utility districts: elections.

The Municipal Utility District Act governs the formation and governance of a municipal utility district. The act requires specified districts to increase the number of directors on the district board from 5 to 7, as provided.

This bill would require a county elections official to submit a certificate of facts to the district board relating to any filings of declared candidacy for a particular ward and inform the board that it may adopt a specified course of action, including appointing a person to the office or holding the election, as provided, if by 5 p.m. on the 83rd day prior to the day fixed for an election no one or only one person has filed a declaration of candidacy. By requiring county election officials to perform new duties, the bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11852.5 is added to the Public Utilities
2 Code, to read:
3 11852.5. (a) Notwithstanding any other provision of law, if,
4 in a district subject to this article, by 5 p.m. on the 83rd day prior
5 to the day fixed for the general election, no one or only one person
6 has filed a declaration of candidacy for a particular ward, the
7 county elections official shall submit a certificate of these facts to
8 the district board and inform the board that it may, at a regular or
9 special meeting held on or before the 76th day prior to the election,
10 adopt one of the following courses of action:
11 (1) If only one person has filed a declaration of candidacy for
12 a ward, appoint that person to the office.
13 (2) If no one has filed a declaration of candidacy for a ward,
14 appoint a person to the office who would be qualified on the date
15 the election would have been held.
16 (3) If either no one or only one person has filed a declaration
17 of candidacy for a ward, hold the election.
18 (b) If the board makes an appointment pursuant to subdivision
19 (a), the elections official shall not accept for filing any statement
20 of write-in candidacy that is submitted after the appointment is
21 made. The person appointed, if any, shall qualify and take office
22 and serve exactly as if elected at an election for the office.
23 (c) If by the 76th day prior to the day fixed for the election, the
24 district board has not appointed the sole candidate to the office
25 pursuant to paragraph (1) of subdivision (a) or has not adopted a
26 process to appoint, or appointed, a qualified person to the office

1 pursuant to paragraph (2) of subdivision (a), the election shall be
2 held.

3 (d) A district board may adopt a process to appoint a qualified
4 person to the office pursuant to paragraph (2) of subdivision (a)
5 (a). *Upon adoption of this process, the district board shall appoint*
6 *a qualified person to office no later than the day fixed for the*
7 *election.*

8 (e) This section shall apply to all elections held in any district
9 subject to this article that takes place on or after January 1, 2014.

10 ~~SEC. 2. If the Commission on State Mandates determines~~
11 ~~that this act contains costs mandated by the state, reimbursement~~
12 ~~to local agencies and school districts for those costs shall be made~~
13 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
14 ~~4 of Title 2 of the Government Code.~~

15 *SEC. 2. No reimbursement is required by this act pursuant to*
16 *Section 6 of Article XIII B of the California Constitution because*
17 *the only costs that may be incurred by a local agency or school*
18 *district are the result of a program for which legislative authority*
19 *was requested by that local agency or school district, within the*
20 *meaning of Section 17556 of the Government Code and Section 6*
21 *of Article XIII B of the California Constitution.*